

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**
Civil Action No. 5:23-cv-00059

<p>CROWN EQUIPMENT CORPORATION</p> <p style="text-align:center">Plaintiff,</p> <p>v.</p> <p>DAVID BRADY, WILLIAM TUCKER, JOSEPH BOGGS, BRAWTUS HOLDINGS COMPANY, INC. (f/k/a Pneu-Mech Systems Manufacturing, Inc.), BRAWTUS, MANAGEMENT COMPANY, LLC, PNEU-MECH SYSTEMS MANUFACTURING, LLC (n/k/a Pneu-Mech Dissolution, LLC), PNEU-MECH SYSTEMS MANUFACTURING, INC., UNITED FINISHING SYSTEMS, LLC,</p> <p style="text-align:center">Defendants.</p>	<p>DEFENDANT PNEU-MECH SYSTEMS MANUFACTURING, INC.</p> <p>MOTION TO DISMISS DEFENDANTS DAVID BRADY, WILLIAM TUCKER, BRAWTUS HOLDING COMPANY, LLC, AND BRAWTUS MANAGEMENT COMPANY, LLC'S FIRST AMENDED CROSSCLAIMS AGAINST PNEU-MECH SYSTEMS MANUFACTURING, INC.</p>
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NOW COMES Defendant, Pneu-Mech Systems Manufacturing, Inc., (hereinafter “PMSMI”), and brings its Motion to Dismiss David Brady, William Tucker, Brawtus Holding Company, LLC, and Brawtus Management Company, LLC’s (hereafter “the Cross-claimants”) First Amended Crossclaim for indemnity on the grounds that Pursuant to the Federal Rules of Civil Procedure 12(b)(6), the Cross-claimants fail to state a claim upon which relief may be granted and, therefore, should be dismissed.

This motion is supported by the Memorandum of Law in Support of PMSMI’s Motion to Dismiss the First Amended Crossclaim.

THIS THE 7TH DAY OF JUNE, 2024.

**HEDRICK GARDNER KINCHELOE &
GAROFALO LLP**

/s/ **Gerald A. Stein**
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/s/ **Jarrod B. Summey**
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Manufacturing, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of filing to all counsel of record via CM/ECF.

This the 7th day of June, 2024.

/s/ **Jarrod B. Summey**
JARROD B. SUMMEY
NC State Bar No. 49548